

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

DANNI WALKER,

Defendant.

CASE NO. 2:22-cr-00105-LK

ORDER CORRECTING  
SENTENCE

This matter comes before the Court on the Government’s motion to correct the Court’s sentence of Defendant Danni Walker pursuant to Federal Rule of Criminal Procedure 35(a). Dkt. No. 60. The Government conferred with defense counsel and the United States Probation Office regarding the motion, and “[n]either has any objection to this proposed change to the Judgment[.]” *Id.* at 1–2. For the following reasons, the Court grants the Government’s motion.

On March 13, 2024, the Court sentenced Ms. Walker to time served with a three-year term of supervised release. Dkt. No. 57 at 2–3, 5. The Court included as a special condition of supervised release 208 days of intermittent confinement to be served on 52 consecutive weekends at the

1 Federal Detention Center in SeaTac, Washington (“FDC SeaTac”), beginning March 22, 2024.  
2 Dkt. No. 55; Dkt. No. 57 at 2, 5.

3 Federal Rule of Criminal Procedure 35(a) provides that the Court may, within 14 days after  
4 sentencing, “correct a sentence that resulted from arithmetical, technical, or other clear error.” As  
5 the Government correctly observes, *see* Dkt. No. 60 at 2–3, while the Court “may order, as a further  
6 condition of supervised release . . . any condition set forth as a discretionary condition of probation  
7 in section 3563(b) and any other condition it considers to be appropriate,” a condition of  
8 intermittent confinement “set forth in subsection 3563(b)(10) shall be imposed *only* for a violation  
9 of a condition of supervised release[.]” 18 U.S.C. § 3583(d)(3) (emphasis added). Because Ms.  
10 Walker has not violated any condition of her supervised release, the Government proposes that the  
11 Court amend its judgment to impose a sentence that permits intermittent confinement; specifically,  
12 a three-year sentence of probation with intermittent confinement as a special condition. Dkt. No.  
13 60 at 3–4 (“Amending the Judgment to reflect the term of intermittent confinement [a]s a condition  
14 of a purely probationary sentence would give effect to the substantive terms of the Court’s  
15 sentence” and “would not run afoul of the restricted use of intermittent confinement as a condition  
16 of supervision[.]”). Under 18 U.S.C. § 3561(a) and -(c)(1), Ms. Walker is eligible for “not less  
17 than one nor more than five years” of probation. And 18 U.S.C. § 3563(b)(10) expressly authorizes  
18 a discretionary condition to a sentence of probation requiring the defendant to “remain in the  
19 custody of the Bureau of Prisons during nights, weekends, or other intervals of time, totaling no  
20 more than the lesser of one year or the term of imprisonment authorized for the offense, during the  
21 first year of the term of probation or supervised release.”

22 The Court concurs with the Government that it committed clear error by sentencing Ms.  
23 Walker to time served with a special condition of intermittent confinement. *See* Fed. R. Crim. P.  
24 35(a). Absent a violation of a condition of supervised release, which has not occurred here, such

1 special condition is foreclosed by 18 U.S.C. § 3583(d)(3). Moreover, Ms. Walker did not serve  
2 any time in custody on this charge. The Government stated as much in its sentencing  
3 memorandum, Dkt. No. 49 at 8, and Ms. Walker requested that the Court impose a sentence of  
4 probation in her own sentencing memorandum, Dkt. No. 47 at 1, 17. For the reasons discussed  
5 above and in the Government's motion, the Court finds that a sentence of probation is appropriate.  
6 The Court accordingly corrects its sentence to impose a three-year term of probation with the same  
7 mandatory, standard, and special conditions imposed in the Court's original sentence; provided,  
8 however, that the Court will alter the start date of Ms. Walker's intermittent confinement from  
9 March 22, 2024 to April 5, 2024 to provide the parties and the Bureau of Prisons sufficient time  
10 to address any logistical issues. Furthermore, because 18 U.S.C. § 3563(b)(10) permits intermittent  
11 confinement only "during the first year of the term of probation," and Ms. Walker's sentence began  
12 on March 13, 2024, the Court reduces the length of the intermittent confinement condition from  
13 52 weeks to 49 weeks (196 total days), such that intermittent confinement will not extend beyond  
14 the first year of her sentence.

15       This corrected sentence, which is substantively nearly the same as Ms. Walker's original  
16 sentence, is supported by the factors in 18 U.S.C. § 3553(a) for the same reasons the Court  
17 discussed at Ms. Walker's sentencing hearing. The Court finds that the special conditions, Dkt.  
18 No. 57 at 3–5, as modified, (1) are reasonably related to the nature and circumstances of the offense  
19 and Ms. Walker's history and characteristics; the need for the sentence imposed to afford adequate  
20 deterrence to continued criminal behavior; the need to protect the public from further crimes of  
21 Ms. Walker; and the need to provide Ms. Walker with needed substance abuse treatment and  
22 behavioral therapy in the most effective manner; and (2) involve no greater deprivation of liberty  
23 than is reasonably necessary for these purposes and are consistent with any pertinent policy  
24 statements issued by the Sentencing Commission. Furthermore, this overall sentence is sufficient

1 but not greater than necessary to carry out the objectives of sentencing while permitting Ms.  
2 Walker to continue on the path towards rehabilitation, under the circumstances present in this case.

3 The Court therefore ORDERS the following:

- 4 1. The Government's motion, Dkt. No. 60, is GRANTED.
- 5 2. Ms. Walker's sentence, Dkt. No. 57, is hereby CORRECTED to a three-year term  
6 of probation, with the same mandatory, standard, and special conditions imposed  
7 in the Court's original sentence except special condition 9, which shall be replaced  
8 with the following: "Beginning April 5, 2024, the defendant shall be subject to  
9 intermittent confinement for a period of 49 consecutive weekends (196 days) to be  
10 served at SeaTac Federal Detention Center as a special condition of probation. The  
11 defendant shall be required to report to the designated facility by 4:30 p.m. on  
12 Fridays and shall be confined until 7:00 a.m. on Mondays; this period of time shall  
13 constitute one weekend of credit."
- 14 3. The Clerk of Court is directed to enter a second amended judgment in accordance  
15 with this Order.

16 Dated this 20th day of March, 2024.

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18 Lauren King  
19 United States District Judge  
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